

TESTIMONY OF SUSAN MASTEN
CHAIR, THE YUROK TRIBE
BEFORE
THE SENATE INDIAN AFFAIRS COMMITTEE
AND
THE SENATE COMMERCE COMMITTEE

May 14, 2002

Mr. Chairman, members of both committees, I am Susan Masten, Chairwoman of the Yurok Tribe. I am grateful for the opportunity to testify today of this matter of great significance to our tribe – the lack of telecommunications services on a significant part of our Homelands.

BACKGROUND. The Yurok Tribe, with about 4,300 members, is the largest federally recognized Tribe in California. The Yurok Reservation spans Humboldt and Del Norte Counties and is one of the most rural and isolated areas in Northern California. The Reservation contains approximately 55,000 acres, of which only 3,000 are owned in tribal trust status. The reservation is one mile on each side of the Klamath River from its confluence with the Trinity River, and stretching approximately 50 miles northwest to the Pacific Ocean. The Klamath River is federally designated as a wild and scenic river. Sadly it also has been recently designated as seriously environmentally threatened. Most of the Reservation is a river gorge.

The current Yurok Reservation is small portion of our aboriginal territories, which once included significant portions of the Hoopa Valley, the Redwood National Park and the adjacent National Forests. The Yuroks are a fishing and timber people whose abundant resources had made us quite self-sufficient until the late-nineteenth century. Although we have long been a federally recognized tribe, the Yurok Tribe was not formally organized until 1993 when under inherent tribal sovereignty we adopted a Constitution, that has been recognized by the Department of the Interior, and began the council form of government that I represent today. Also today, we reside on a Reservation, that thankfully is within the places we have been since time immemorial, it is, however, a place without basic infra-structure – roads, bridges, electricity, and telephones.

Due to lack of roads, the Yurok Reservation is divided into separate communities -- the Upper and Lower Reservations, named for the flow of the Klamath River. The Lower Reservation is located along busy coastal highway, U.S. 101, where most basic infrastructure services are available. However, the Upper Reservation, the larger land area which contains two public schools, approximately 200 homes, a health clinic and two community centers, lacks basic telephone service, power, safe roads and adequate police and fire protection.

Consequently, the Yurok People in the Upper Reservation live in very bad conditions; conditions fairly unique in modern day America. Even though the high-tech Mecca of the San Francisco Bay Area is just 250 miles south of our Reservation, Yurok children attending the our public schools and our Head Start Center in the Upper Reservation do not have regular telephone service, let alone access to the Internet, and like President Lincoln in the early 19th century they must study by lantern light. It is not surprising that Yurok children often fall seriously behind their peers in educational opportunities.

There is almost no economic opportunity on the Upper Reservation. The unemployment rate in the Upper Reservation exceeds 70 percent and the poverty level is over 90 percent. Although it our homeland, due to the conditions that I have briefly described, Yurok people are often forced to leave the Reservation to seek employment elsewhere.

EXISTING TELEPHONE SERVICE. The Upper Yurok Reservation is not within the franchise territory of any telephone company and has no traditional telephone service. In addition, the topography of the Reservation (as noted previously, a river gorge), combined with its distance from existing cell towers, limits the availability of cellular telephone service within the Upper Reservation to only a handful of locations. Radio-telephone service, which consists of two-way radios that are trunked to the publicly switched telephone network, is available to subscribers. However, radio telephone service is not private (radio signals can be picked up by any other subscriber to the service as well as any police scanner), so the schools, clinic, and Tribal Office cannot use this system to conduct private or confidential business. Perhaps, more importantly, radio-telephones are significantly affected by weather and do not work when it is foggy or cloudy – conditions that occur on a regular basis in this area and therefore are unreliable. Other than radio-telephone and extremely limited cellular telephone service, there is no other means of modern communication for residents of the Upper Reservation.

In an effort to help and protect its Members, the Yurok Tribe has worked to establish telephone service in the upper Reservation communities. In 1995, our Planning and Community Development staff members contacted the California Public Utilities Commission ("PUC") to explore options for the provision of telephone service on the Upper Yurok Reservation. The PUC recommended that the Yurok Tribe contact providers of such service in the area. Accordingly, we contacted both local providers, GTE and Contel, concerning telephone service to the upper Reservation. Both

telephone companies stated that it was not *economic* for them to extend service to the Upper Reservation. These telephone providers did however provide service to similar small communities in the surrounding areas. Since that time, GTE has combined with Contel and is now known as Verizon.

Verizon continues to provide telephone service to Indian and non-Indian communities that surround the Upper Reservation but not to the upper Reservation. Verizon provides telephone service to the communities of Hoopa and Willow Creek just south of the Yurok Reservation, the community of Klamath on the Yurok Reservation to the northwest, and the community of Orleans to the north. The Yurok Reservation is surrounded by isolated and rural communities with identical geography and similar population densities, although not necessarily all Indian. The Yurok Tribe continues to encourage Verizon to establish telephone service to the Upper Reservation Indian communities of Weitchpec, Ke'pel, Sregon, Pecwan, and Wautec.

In fall of 2000, the Yurok Tribe intervened in an application before the California Public Utilities Commission (CPUC) that sought the approval of a sale of Verizon service areas to Citizens Communications. This sale included all of the Verizon service areas around the Upper Yurok Reservation. The Yurok Tribe stated in its intervention petition that it was in the public benefit to make extension of basic telephone service to the Upper Reservation a condition of this Verizon sale. The Tribe successfully convinced the CPUC that the serious health and safety risks and economic disparities associated with lack of telephone service to the Upper Reservation would continue unmitigated without action by the CPUC. The CPUC included numerous conditions requiring the extension of service to the Upper Reservation in its Decision approving the sale. However, due to other factors, including recent economic uncertainties and the slowdown in the telecommunications industry, the sale was not consummated.

At this time, the Yurok Tribe and Verizon are engaged in good faith and confidential discussions, which we hope, will result in at least some of the telephone service issues being resolved.

EFFECTS OF NO TELEPHONE SERVICE. Even though most of the areas surrounding the Yurok Reservation have basic telephone service, residents of the upper Reservation have no telephone service and no access to the Internet. Unlike all other locations surrounding the Yurok Reservation, children attending schools on the Yurok Reservation are denied access to the Internet as an information source and learning tool. As a result, all other children in the area, except the children enrolled in public schools on the upper Yurok Reservation, have the opportunity to develop the crucial Internet skills that will be expected of them by future employers. The Upper Reservation children do not have computers in their homes to assist in homework assignments or to help them do research on the Internet. This lack places them well behind other youth in many areas, including in college admission and seeking higher education. In addition, residents of the upper Reservation have no access to distance learning opportunities. Specifically,

- Approximately 180 households, a General Store, several small businesses, and three churches on the Yurok Reservation have no basic telephone service;
- Two public schools with approximately 90 students are without basic phone service or access to the Internet;
- One Head Start Center, supporting approximately 30 children and their families, is completely without phone and Internet service;
- Two Community Centers are without telephone service and, therefore, have no communications link with other Tribal offices and cannot provide badly needed Internet based community resources.

Public Safety. The Yurok Tribe formed a Public Safety Department in 2001. The direct delivery of public safety services by a Tribal department is a tremendous advancement for the Tribe. However, upper Reservation residents still do not have the ability to contact the police directly in the event of an emergency. The lack of telephone services compromises the ability of the Public Safety Department to protect the Reservation.

Because of the distance between most of the upper Reservation communities and emergency first-responders (the California Department of Forestry and Fire Protection in Elk Camp near Orick and the Humboldt County Sheriffs Substation in Hoopa), the lack of reliable telephone service poses a significant health and safety risk to residents in the event of an emergency. Initial contact with a 911 operator is a crucial element of an emergency response. Pre-arrival 911 instructions could provide guidance that could allow a family member or other by-stander to stabilize an injured person in the two-hour plus period between the accident and the time emergency services arrive at an accident in the upper Yurok Reservation area. Because of the lack of a telephone utility, upper Reservation residents are not able to contact 911. The elderly and disabled residents do die as a result of delays in accessing emergency medical treatment.

The Yurok Tribe has received a grant from HUD to construct two fire stations in the Upper Reservation. In addition, the Tribe and the residents of the Upper Reservation have combined to form the newest fire department in the nation. However, even with the addition of the new fire stations and a fledgling fire department, the lack of telephone service prevents residents from reporting fires and other emergencies. Without telephone service, the fire department is unable to provide early intervention in the event of a house fire, and instead must only work to prevent the fire from spreading to adjacent houses.

Medical. Because there is no reliable or secure telephone service available to the Upper Reservation, the United Indian Health Services (UIHS) Clinic, our local tribal consortium that contracts with I.H.S. to deliver health services, located at the Weitchpec Community Center is unable to operate as it was intended -- as a functioning health

clinic staffed by medical professionals. UIHS requires that, if no doctor is present on-site, staff must be within regular contact by telephone. But, because there is no telephone service between the Clinic site and Weitchpec and other UIHS facilities, the other staff cannot effectively staff the Clinic unless a doctor is present. Therefore, UIHS cannot effectively provide medical services at the Clinic. Instead, the Clinic will only be operated approximately two days per month when a doctor can be present until regular telephone service is available.

Economic Development. The unemployment rate on the Upper Reservation is approximately 70 percent and the poverty rate exceeds 90 percent. Although many residents are gifted artisans they are unable to effectively market their products because of the lack of telephone service and access to the Internet. The Yurok Tribe is dedicated to providing economic opportunities on the Yurok Reservation to encourage Tribal members to return to and remain on the Reservation. "Cottage industry" or home-based "e-commerce" businesses are not available to residents of the upper Reservation. Further, Yurok Tribal members living on the upper Reservation cannot take advantage of federal procurement preferences available to American Indians because the federal government requires businesses to have the ability to transact business via electronic commerce.

In addition, the Yurok Tribe cannot attract businesses to locate in the upper Reservation due to the lack of telephone service. Without telephone service, only the most primitive economic activities are viable in the upper Reservation. Although these are important activities to the Yurok Tribe, they will not result in the economic development necessary to improve conditions on the Yurok Reservation.

Housing Development. Developing new housing within the Upper Reservation is a priority for the Yurok Tribe and the Yurok Indian Housing Authority. Without basic telephone service, power, and adequate roads, and few if any nearby economic opportunities, it is difficult to justify constructing such housing. Further, without new housing construction and any promise to develop the basic building blocks of Upper Reservation communities, it will be impossible to encourage Tribal Members to return and difficult to retain those already there. The trend threatens the future existence of these critical Upper Reservation communities – communities that are closely linked to traditional Yurok life-style and culture.

ISSUES AFFECTING THE EXTENSION OF TELEPHONE SERVICE. Telephone service has not been extended to the Yurok Reservation because this portion of the Reservation was never included within the franchised area of a telephone company. In addition, it is very costly to build the facilities required to provide service to this area. Providers believe that there would be little financial return on the investment to provide telephone service. To make matters worse, the roads on the Upper Reservation are all single-lane and are without sufficient rights-of-way to accommodate widening to a standard roadway cross-section. The roads are so narrow, including a 21-mile one-lane State of California Highway (State Route 169), that the roads may not be able to safely handle the addition of a utility pole at the road's edge. Further, there is no utility grade power available to operate the switching facilities that will be required to

support telephone service at locations such as Jack Norton School, the Ke'pel Head Start Center, and the Judson Brown Community Center.

To facilitate the construction of telephone lines to serve the Upper Reservation communities several things should happen in tandem. First, the Upper Reservation should be included within the service area of a telephone company that has the means and motivation to provide service. Federal and State universal or *High-Cost* should be available, and perhaps increased, to make the provision of high quality telephone service to the Upper Reservation feasible. Further, the federal government should provide funding to support the extension of power lines as well as the widening of existing roads to unserved upper Reservation communities to ensure that reliable telephone service can be made available safely. If roadway improvements are constructed concurrently with telephone and power line installation, significant cost savings can be realized. At a minimum, power and telephone lines should be installed simultaneously, because the cost of installing either one at a later date is significantly higher.

Thank you for this opportunity to testify.